IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.81 OF 2007
IN
SUIT NO.2704 OF 2003

Smt.Sharifunisa Wd/o.Saeed Ahmed & Ors. .. Petitioners

Versus

Jameel Ahmed Mohammed Khalil and Ors. .. Respondents

and

Jameel Ahmed Mohammed Khalil .. Contemnor.

Mr.S.K.Chaurasia i/b. A.M.Saraogi for petitioners
Mr.A.J.Mane for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 25th October 2007.

P.C.

. This is the third contempt petition as pointed out in the affidavit in reply.

2. The petitioner is not sure as to who has created the rights in respect of premises.

Although my attention is invited to page 117 of this petition paperbook, which is an affidavit of applicant to a notice of motion, who claims to be a tenant, yet, a perusal of page 132 would show that the first defendant does not appear to have signed the same. There is no averment in the contempt petition with regard to creation of rights, nature thereof and the date when the same were created. Merely relying upon some application in the pending proceedings, would not be enough to bring home the serious charge of contempt.

3. Be that as it may, contempt is not the remedy of the petitioner, in the light of the affidavit in reply filed by respondent No.1. Petition dismissed. No costs.

(S.C.DHARMADHIKARI, J)